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AND HITACHI ELECTRONIC DEVICES  
(USA), INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

*In re Cathode Ray Tube (CRT) Antitrust Litigation,*

MASTER FILE NO. 3:07-MD-05944-SC

This Document Relates To:

*Electrograph Systems, Inc. et al. v. Technicolor SA,*  
*et al., No. 13-cv-05724-SC;*

**DECLARATION OF JAMES  
MAXWELL COOPER IN SUPPORT  
OF CERTAIN DIRECT ACTION  
PLAINTIFFS' ADMINISTRATIVE  
MOTION TO SEAL**

*Interbond Corporation of America v. Technicolor*  
*SA, et al., No. 13-cv-05727-SC;*

*Office Depot, Inc. v. Technicolor SA, et al., No. 13-*  
*cv-05726-SC;*

[Civil L.R. 79-5(d)]

*P.C. Richard & Son Long Island Corporation, et al.*  
*v. Technicolor SA, et al., No. 13-cv-05725-SC;*

*Schultze Agency Services, LLC v. Technicolor SA,*  
*et al., No. 13-cv-05668-SC*

1 I, James Maxwell Cooper, declare as follows:

2 1. I am a member of the bar of the State of California and an attorney at the law firm of  
3 Kirkland & Ellis LLP, counsel for defendants Hitachi, Ltd., Hitachi Displays, Ltd. (n/k/a Japan  
4 Display Inc.), Hitachi America, Ltd., Hitachi Asia, Ltd., and Hitachi Electronic Devices (USA), Inc.  
5 (collectively, the "Hitachi Defendants").

6 2. Except for those matters stated on information and belief, about which I am informed  
7 and believe to be true, I have personal knowledge of the facts stated herein and, if called as a  
8 witness, I could and would competently testify thereto.

9 3. On June 18, 2008, the Court approved a "Stipulated Protective Order" (Dkt No. 306).

10 4. On December 20, 2013, Plaintiffs Electrograph Systems, Inc., Electrograph  
11 Technologies Corp. ("Electrograph"), Interbond Corporation of America ("BrandsMart"), Office  
12 Depot, Inc. ("Office Depot"), P.C. Richard & Son Long Island Corporation ("P.C. Richard"),  
13 MARTA Cooperative of America, Inc. ("MARTA"), ABC Appliance, Inc. ("ABC Warehouse"), and  
14 Schultze Agency Services ("Tweeter") filed an Administrative Motion to Seal (Dkt. No. 2279), and  
15 lodged conditionally under seal, pursuant to Civil Local Rules 7-11 and 79-5(d), portions of the  
16 following documents (the "Amended Complaints") that contain information from documents or  
17 deposition testimony that the Hitachi Defendants have designated "Confidential" or "Highly  
18 Confidential:"

19 a. Electrograph's First Amended Complaint;

20 b. BrandsMart's First Amended Complaint;

21 c. Office Depot's First Amended Complaint;

22 d. P.C. Richard's, MARTA's, and ABC Warehouse's First Amended Complaint;  
23 and

24 e. Tweeter's First Amended Complaint.

25 5. Pursuant to Civil Local Rule 79-5(d), I make this declaration on behalf of the Hitachi  
26 Defendants to provide the basis for the Court to maintain under seal certain documents and  
27 information quoted from, described, or otherwise summarized in the Amended Complaints that have  
28

1 been designated by the Hitachi Defendants as “Confidential” or “Highly Confidential” pursuant to  
2 the Stipulated Protective Order.

3 6. I am informed and believe that the following paragraphs of the Amended Complaints  
4 quote from, describe, or otherwise summarize documents or information that the Hitachi Defendants  
5 have designated as “Confidential” or “Highly Confidential”:

- 6 a. Electrograph First Amended Complaint, ¶¶ 152, 153, and 159;
- 7 b. BrandsMart’s First Amended Complaint, ¶¶ 137, 138, and 144;
- 8 c. Office Depot’s First Amended Complaint, ¶¶ 138, 140, and 146;
- 9 d. P.C. Richard’s, MARTA’s, and ABC Warehouse’s First Amended Complaint,  
10 ¶¶ 142, 144, and 150; and
- 11 e. Tweeter’s First Amended Complaint, ¶¶ 141, 143, and 149.

12 7. I am informed and believe that the documents and information quoted from,  
13 described, or otherwise summarized in the Amended Complaints consist of, cite to, or identify  
14 confidential, nonpublic, proprietary, and highly sensitive business information about the Hitachi  
15 Defendants’ business practices, pricing practices, confidential business agreements, and competitive  
16 positions. The documents describe relationships with companies that remain important to the  
17 Hitachi Defendants’ competitive position. I am informed and believe that this is sensitive  
18 information and public disclosure of this information presents a risk of undermining the Hitachi  
19 Defendants’ business relationships, would cause them harm with respect to their competitors and  
20 customers, and would put the Hitachi Defendants at a competitive disadvantage.

21 I declare under penalty of perjury, under the laws of the United States of America, that the  
22 foregoing is true and correct.

23 Executed this 27th day of December, 2013, at San Francisco, California.

24  
25 /s/ James Maxwell Cooper

26 James Maxwell Cooper